

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CONSTELLATION TECHNOLOGIES  
LLC,

*Plaintiff,*

vs.

WINDSTREAM HOLDINGS, INC.,  
WINDSTREAM CORPORATION, and  
WINDSTREAM COMMUNICATIONS,  
INC.,

*Defendants.*

Civil Action No. 2:13-CV-1080-RSP

**ORDER OF DISMISSAL WITH PREJUDICE**

On this day, Plaintiff and Counterclaim-Defendant Constellation Technologies LLC (“Constellation”) and Defendants and Counterclaim-Plaintiffs Windstream Holdings, Inc., Windstream Corporation, and Windstream Communications, Inc. (collectively, “Windstream”) announced to the Court that they have resolved Constellation’s claims for relief against Windstream asserted in this case and Windstream’s claims, defenses and/or counterclaims for relief against Constellation asserted in this case. Constellation and Windstream have therefore requested that the Court dismiss Constellation’s claims for relief against Windstream with prejudice and Windstream’s claims, defenses and/or counterclaims for relief against Plaintiff with prejudice, and with all attorneys’ fees, costs and expenses to be borne by the party incurring same. The Court, having considered this request, is of the opinion that their request for dismissal should be granted.

IT IS THEREFORE ORDERED that Constellation’s claims for relief against Windstream are dismissed with prejudice and Windstream’s claims, defenses and/or

counterclaims for relief against Constellation are dismissed with prejudice. IT IS FURTHER ORDERED that all attorneys' fees, costs of court and expenses shall be borne by each party incurring the same.

**SIGNED this 29th day of January, 2015.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE